IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.42 OF 2006

M/s.Vineeth Chemicals .. Petitioner.

V/s.

The Union of India & Others .. Respondents.

Mr.Prakash Shah i/b. PDS Legal for the petitioner.

Mr.A.J. Rana, senior advocate with Mr.R.C. Master for the respondents.

CORAM : DR.S. RADHAKRISHNAN &
J.P. DEVADHAR, JJ.

DATED : 12TH JANUARY, 2006.

P.C. :

Heard the learned counsel for the petitioner and the learned senior counsel for the respondents.

2. Rule. Rule made returnable forthwith.

3. The learned senior counsel for the respondents waives service.

4. By consent taken up for final hearing.

5. By this petition, the petitioner is challenging the order dated 28th June, 2004 passed by the CESTAT directing the petitioner to approach the Commissioner and seek adjudication order on their

remission claim and thereafter they may prefer an appeal, if they so desire.

6. Mr.Rana, the learned senior counsel for the respondents fairly states that it is mentioned in the letter dated 25th July, 2003 issued by the Deputy Commissioner (Tech) Central Excise, Thane - II that the claim of the petitioner was rejected by the Commissioner. However, it appears that the same was rejected without affording a fair opportunity of personal hearing to the petitioner and no copy of the order was served on the petitioner.

7. Having regard to the facts and circumstances of the case, we direct the Commissioner to afford an opportunity of personal hearing to the petitioner and decide the same pursuant to the application dated 31st July, 2002 already filed by the petitioner for remission of duty, as expeditiously as possible, preferably within a period of four weeks from today.

8. The writ petition stands disposed of. Rule is made absolute in above terms with no order as to costs.

(DR.S. RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)